

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 1/17/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRADLEY JOHNSON,

:
:
Plaintiff(s),

-v -

IRONSHORE SPECIALTY INSURANCE
COMPANY *and* WESTCHESTER SURPLUS
LINES INSURANCE COMPANY,

:
:
Defendants. :
-----X

GREGORY H. WOODS, United States District Judge:

1:21-cv-3262-GHW

ORDER


On January 12, 2023, Plaintiff and Defendant Ironshore Specialty Insurance Co. filed a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and proposed order (the “Stipulation”). Dkt. No. 97. The Stipulation states that these two parties “hereby stipulate, subject to the approval of the Court, to dismiss the action with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), as to Ironshore only.” *See id.* at 1. The Stipulation is signed by Plaintiff and Defendant Ironshore. *See id.* at 2.

Rule 41(a)(1)(A)(ii) requires that a stipulation of dismissal be “signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). Defendant Westchester Surplus Lines Insurance Company has appeared in this action but has not signed the Stipulation. *See* Dkt. Nos. 76, 97. Accordingly, Plaintiff and Defendant Ironshore are directed to file, no later than January 18, 2023, a letter informing the Court of the legal authority that would permit Plaintiff and Defendant Ironshore to stipulate to the dismissal of Plaintiff’s claims against Ironshore pursuant to Rule

41(a)(1)(A)(ii) without the consent of all parties that have appeared.

SO ORDERED.

Dated: January 17, 2023
New York, New York



GREGORY H. WOODS
United States District Judge